

Docket Number: 1738-P

ROSEVIEW MANOR, INC.

~~John DeLorenzo, Esquire~~
~~John N. Kennedy, Esquire~~
~~David C. Marshall, Esquire~~
Louis J. Capozzi, Jr., Esquire
Michael Hynum, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~James Marshall, Assistant Counsel~~

Carol Ulichney, Assistant Counsel

August 2, 1993

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$12,771.00+.

August 10, 1993

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

August 16, 1993

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 11, 1993.

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Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 17, 1993

Answer to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 17, 1993

Amended Complaint (Amended Exhibit "A") filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 19, 1993

Copy of Amended Complaint forwarded to Chief Deputy Attorney General.

November 30, 1993

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 24, 1993.

January 13, 1994

Amended Answer to Paragraphs 2,10,12, 18 and 19 of the Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 24, 1994

Claimant's First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 21, 1994

Motion for Order Compelling Discovery and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 19, 1994

Letter filed by attorney for Plaintiff advising that Plaintiff hereby withdraws its Motion for Order Compelling Discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 1994

Supplemental Request for Discovery and First Request for Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 10, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 10th day of May, 1994, it is **ORDERED** and **DECREED** that Plaintiff's Motion for an Order Compelling Discovery, be, and is hereby, **DISMISSED** with prejudice as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 18, 1994

Acceptance of Service of Opinion and Order dated May 10, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 16, 1994.

June 8, 1994

Respondent's Answer to Claimant's First Request for Answers to Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 28, 1994

Motion for Order Compelling Discovery, Memorandum in Support of Motion for Order Compelling Discovery and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 7, 1994

Response to Claimant's Motion for Order Compelling Discovery and Memorandum of Law in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 5, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 5th day of October, 1994, the position taken by the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, to Interrogatory Nos. 3,5,7,8 and 9, is **GRANTED**. The Respondent is **DIRECTED** to file answers to Interrogatory Nos. 1,4,6,10,11 and 12." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 7, 1994

Acceptance of Service of Opinion and Order dated October 5, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 7, 1994.

October 13, 1994

Acceptance of Service of Opinion and Order dated October 5, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 7, 1994.

October 24, 1994

Supplemental Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 9, 1996

Withdrawal of Appearance of James S. Marshall, Senior Assistant Counsel, as well as Entry of Appearance of Mary Frances Grabowski, Senior Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 26, 1996

Plaintiff's Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 17, 1996

Respondent's Interrogatories Addressed to Claimant; Respondent's First Request for Production of Documents and Defendant's Answers to Claimant's Supplementary Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 26, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of November, 1996, a Rule to Show Cause, returnable thirty (30) days from the exit date of this Order, is issued to the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, to Show Cause why any and all sanctions provided for by the Pennsylvania Rules of Civil Procedure should not be imposed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

Acceptance of Service of Opinion and Order dated November 26, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 5, 1996.

December 23, 1996

Defendant's Response to Order to Show Cause filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 26, 1996

Letter received from attorney for Plaintiff requesting that their Motion to Compel be withdrawn as Defendant has provided Plaintiff with Responses to Discovery Requests.

January 2, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 2nd day of January, 1997, it is **ORDERED** and **DECREED** that the Motion to Compel Discovery, as filed by the Plaintiff, is hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that the Rule to Show Cause, under date of November 26, 1996, is hereby **DISCHARGED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

January 13, 1997

Acceptance of Service of Opinion and Order dated January 2, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 3, 1997.

July 2, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE AUGUST 1, 1997.

July 29, 1997

Status letter received from Defendant advising that they are reviewing material submitted from Plaintiff which may result in an amicable settlement of the matter. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 30, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE OCTOBER 30, 1997.

October 24, 1997

Letter/Status Report received from Defendant advising that they are still reviewing the material submitted by Claimant regarding materials in order to engage in settlement negotiations.

October 30, 1997

Letter/Status Report received from Plaintiff advising that he recently submitted to Defendant a settlement proposal and are awaiting a response to same.

February 3, 1998

Letter forwarded to parties requesting a Status Report. **Status Report due on or before March 5, 1998.**

February 27, 1998

Entry of Appearance of Louis J. Capozzi, Jr, Esquire, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 27, 1998

Letter/Status Report received from Plaintiff advising that they have been working with Defendant to settle this matter and are preparing a settlement memorandum to forward to Defendant and expect that these matters will be amicably resolved. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 27, 1998

Withdrawal of Appearance of Latsha, Davis & Yohe, P.C., on behalf of Plaintiff, filed by Kimber L. Latsha, Esquire. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 30, 1998

Letter forwarded to parties requesting a Status Report. *Status Report due on or before July 30, 1998.*

July 28, 1998

Letter/Status Report received from Plaintiff advising that they have written Defendant in an attempt to settle these and related matters and Plaintiff is currently awaiting a response from Defendant relative to their settlement offer of March 6, 1998. The request, even though they are hopeful that this matter settles than a hearing is scheduled.

November 2, 1998

Notice of Service of Claimant's First Request for Production of Documents filed by attorney for Plaintiff.

July 1, 1999

Letter forwarded to parties requesting a status report. Status Report due on or before **August 2, 1999.**

July 8, 1999

Letter/Status Report received from attorney for Plaintiff advising that they have proposed a settlement to Defendant counsel and are awaiting a response. They do not expect this matter to require a hearing, but shall advise the Board if there is any change of status.

January 13, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 14, 2000.**

January 18, 2000

Letter/Status Report received from attorney for Plaintiff advising that this matter is amongst several matters in which the parties are currently negotiating a global settlement and that Claimant was advised by Defendant that a response to their settlement offers will be forthcoming shortly.

August 18, 2000

Letter forwarded to parties requesting a status report. Status Report due on or before **September 18, 2000.**

September 20, 2000

Status letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations.

April 23, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **May 23, 2001.**

May 23, 2001

Letter received from counsel for Plaintiff advising that in January counsel for Defendant advised that he would submit a stipulation of settlement for approval, but to date, Plaintiff has not received same.

December 6, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before January 7, 2001.

December 21, 2001

Praecipe to Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 28, 2001

The Board rendered the following Order: **"AND NOW**, this 28th day of December, 2001, upon receipt of a Praecipe for Discontinuance advising "Pursuant to a separate settlement agreement between the parties, this matter may be closed, ended and discontinued with prejudice." filed by Michael A. Hynum, Esquire, attorney for Plaintiff, docketed with this Board under date of December 21, 2001, it is **ORDERED** and **DIRECTED** that said case be marked "closed, discontinued and ended without prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 4, 2002

Acceptance of Service of Order dated December 28, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 2, 2002.

January 8, 2002

Acceptance of Service of Order dated December 28, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 31, 2001.

CLOSED